

## REMARKS

The Official Action of March 4, 2004 has been carefully considered and reconsideration of the application as amended is respectfully requested.

New claim 39 has been added more completely to define the subject matter which Applicant regards as his invention. Support for the recitations in this claim appears in the specification as filed at Fig. 7 and the paragraph bridging pages 9 and 10 of the specification.

The Examiner's comments at the bottom of page 6 of the Official Action with respect to support for the limitations added to claim 22 in Applicant's Amendment filed 21 January 2004 have been noted with appreciation. Applicant advises that support for the subject limitations appear in Fig. 7 and the paragraph bridging pages 9 and 10. (Note: the pivotal attachment means shown in Fig. 7 is an alternative to the attachment means shown in Fig. 3 as evidenced, for example, by the use of the same reference numerals in Figs. 3 and 7, which is not the case with the other figures.)

The claims stand rejected under 35 USC 103(a) as allegedly being unpatentable over Porsche et al in view of Dulski or over this combination of references further in view of Laycraft or Muller et al. Applicant respectfully traverses these rejections.

The invention as defined in each of the claims presently on file contains a "means plus function" limitation that requires pivotal attachment means at longitudinally spaced locations on the rear ski member which, among other things, "permit the rear ski member to pivot with respect to the frame means **only** at said spaced locations". In other words, in the claimed invention the frame is connected to the rear ski member with the only points of pivot being the locations at which the frame is attached to the rear ski member. This restricted pivotal flexibility enhances the maneuverability of the ski vehicle.

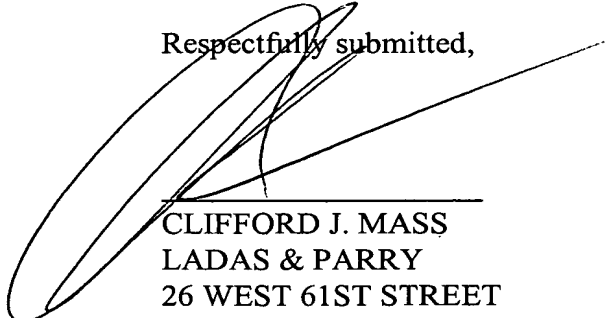
In contrast, the primary reference, Porsche et al, shows a rear ski member that is attached to the ski vehicle described therein by a flexible linkage arrangement, comprising parallelogram linkages, that allow pivotal movement not only at the locations wherein two (2) of the parallelogram linkages are attached to the rear ski member, but also at the locations wherein the two (2) other parallelogram linkages are attached to the frame. In other words, the parallelogram linkages described in Porsche et al do not meet the claimed means plus function recitation. The Examiner has respectfully not addressed this issue in the aforementioned Official Action.

As discussed in MPEP Section 2184, unless an element described in a prior art reference performs the identical function specified in a means plus function recitation, it cannot be an equivalent of a claimed means plus function element. Since Porsche et al do not show or suggest the claimed pivotal attachment means, and since there would have been no motivation absent the hindsight provided by the present

specification to modify the Porsche et al parallelogram linkages to arrive at the claimed pivotal attachment means, it is respectfully submitted that the cited reference do not set forth a *prima facie* case of obviousness for the invention as claimed. It is noted in this respect that a modification of the Porsche et al parallelogram linkages to provide pivotal movement between the frame and rear jet ski only at spaced locations on the rear jet ski would change the operation of the Porsche et al vehicle from that described by the Examiner at paragraph 6 on page 4 of the Official Action.

In view of the above, it is respectfully submitted that all rejections and objections of record have been overcome and that the application is now in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,



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